

Richard Morin (SBN 285275)
Law Office of Rick Morin, PC
500 Newport Center Drive Suite 610
Newport Beach, CA 92660
Phone: (949) 996-3094
Email: legal@rickmorin.net

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Nathaniel William Stanhope,

Plaintiff,

v.

Club One Casino, Inc.,

Defendant.

Case No.

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

Jury Trial Demanded

Plaintiff Nathaniel William Stanhope (“Plaintiff”) alleges the following:

INTRODUCTION

Plaintiff brings this action against Defendant Club One Casino, Inc. (“Defendant”) for unlawfully and intentionally discriminating against Plaintiff because of Plaintiff’s disability and service animal and denying Plaintiff full and equal access to the Club One Casino located at 3950 North Cedar Avenue in Fresno, California (“Club One”).

PARTIES

1. Plaintiff is a natural person. Plaintiff is and has been considered disabled.
2. Defendant is a California corporation with its principal address in Fresno, California.
At all times relevant to this complaint, Defendant owned, managed, operated, and/or was otherwise responsible for Club One.

JURISDICTION AND VENUE

3. The Court has subject matter jurisdiction over the action pursuant to 28 U.S.C. §§ 1331

1 and 1343(a)(3) & (a)(4) for violations of the Americans with Disabilities Act of 1990 (“ADA”), 42
2 U.S.C. §§ 12101, et seq.

3 4. Pursuant to supplemental jurisdiction, 28 U.S.C. § 1367, an attendant and related cause
4 of action, arising from the same nucleus of operative facts and arising out of the same transactions, is
5 also brought under California state law.

6 5. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is founded on the fact
7 that the Club One is in this district and Plaintiff’s cause of action arose in this district.

8 **FACTUAL ALLEGATIONS**

9 6. Plaintiff is an individual with a disability, specifically suffering from epileptic seizures,
10 which substantially limit Plaintiff’s major life activities.

11 7. In order to help with the symptoms of Plaintiff’s epilepsy, Plaintiff relies on a trained
12 service dog.

13 8. Plaintiff’s service dog has been professionally trained to alert Plaintiff to the onset of a
14 seizure and provide protection during an episode.

15 9. On April 28, 2023, Plaintiff visited Defendant’s casino. Plaintiff was accompanied by
16 his service dog. Plaintiff was there to play baccarat.

17 10. While enjoying some baccarat, one of Defendant’s employees approached Plaintiff and
18 requested documentation for his service dog.

19 11. Despite the unlawful nature of this request, Plaintiff made efforts to comply and
20 accommodate the employee’s inquiries.

21 12. Notably, Defendant’s employees did not inquire about whether Plaintiff’s dog was
22 indeed a service dog or the specific tasks it was trained to perform.

23 13. Despite his best efforts, Plaintiff was not able to satisfy Defendant’s employees’ highly
24 unusual requests, and they instructed him to leave the casino.

25 14. Plaintiff attempted to educate the employees about his rights, but they would not listen
26 and insisted on his departure.

27 15. Plaintiff was humiliated because he was being ejected from a casino for no good reason
28 whatsoever. Plaintiff had to color up his chips and leave in the middle of an exciting gaming session.

1 public accommodation.

2 27. The Club One is a public accommodation.

3 28. The ADA prohibits, among other types of discrimination, failure to make reasonable
4 modifications in policies, practices, or procedures when such modifications are necessary to afford
5 such goods, services, facilities, privileges, advantages, or accommodations to individuals with
6 disabilities.

7 29. Defendant has a policy that restricts and denies access to persons like Plaintiff.

8 30. Defendant's conduct knowingly and willfully excluded Plaintiff from equal access to
9 the public accommodation.

10 31. As a result of Defendant's conduct, denying Plaintiff equal access to the Club One,
11 Plaintiff faces continuing discrimination. Plaintiff continues to suffer denial of access and faces the
12 prospect of unpleasant and discriminatory treatment should Plaintiff attempt to return to the Club One.

13 32. It is readily achievable for Defendant to provide Plaintiff and other disabled people like
14 Plaintiff full and equal access to the Club One.

15 33. Defendant does not have any legitimate business justification to excuse the denial of
16 Plaintiff's equal access.

17 34. Plaintiff seeks relief pursuant to remedies set forth in section 204(a) of the Civil Rights
18 Act of 1964 (42 USC 2000(a)-3(a)), and pursuant to Federal Regulations adopted to implement the
19 Americans with Disabilities Act of 1990. Plaintiff is a disabled person for purposes of the ADA who
20 is being subjected to discrimination on the basis of disability in violation of Title III and who has
21 reasonable grounds for believing Plaintiff will be subjected to such discrimination each time that
22 Plaintiff may use the property and premises, visit, or attempt to patronize the Club One, in light of
23 Defendant's conduct.

24 35. Defendant's acts have proximately caused and will continue to cause irreparable injury
25 to Plaintiff if not enjoined by this Court.

26 36. Plaintiff seeks injunctive relief as to Defendant's inaccessible policies. Plaintiff seeks
27 preliminary and permanent injunctive relief to enjoin and eliminate the discriminatory practices that
28 deny full and equal access for disabled persons. Further, Plaintiff seeks an award of reasonable statutory

attorney fees, litigation expenses, and costs.

SECOND CAUSE OF ACTION

Violations of the Unruh Civil Rights Act

California Civil Code §§ 51-53

37. Plaintiff hereby incorporates the previous paragraphs as if they had been fully stated herein.

38. Defendant intentionally discriminated against Plaintiff, denying Plaintiff full and equal access to the Club One.

39. Club One is a business establishment.

40. The Unruh Act provides that a violation of the ADA is a violation of the Unruh Act. Cal. Civ. Code 51(f).

41. Defendant's acts and omissions as specified with regard to the discriminatory treatment of Plaintiff, on the basis of Plaintiff's disabilities, have been in violation of California Civil Code §§ 51 and 51.5, the Unruh Civil Rights Act, and have denied Plaintiff's right to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

42. Plaintiff was harmed.

43. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

44. Defendant's conduct violated the ADA.

45. As a result of the violation of Plaintiffs civil rights protected by California Civil Code §§ 51 and 51.5, Plaintiff is entitled to the rights and remedies of California Civil Code § 52, including a trebling of actual damages, minimum statutory damages, as well as reasonable attorneys' fees and costs, as allowed by statute, according to proof.

46. Plaintiff also seeks to enjoin Defendant from violating disabled persons' rights.

PRAYER

Plaintiff hereby prays for the following:

1. Injunctive relief enjoining Defendant from engaging in unlawful discrimination against disabled persons with service animals when visiting the Club One, including, specifically, enjoining its

1 policy of denying access to persons with service animals access to the Club One without performing a
2 good faith assessment of the reasonableness of modifying it policies to accommodate such disabled
3 person; in addition injunctive relief compelling Defendant to establish and follow, in good faith, a
4 policy to conduct a good faith assessment when evaluating a visitor with a service animal and/or other
5 such injunctive relief as the deems appropriate;

6 2. Damages of no less than \$25,000;

7 3. Attorney's fees pursuant to 42 U.S.C. 12205, Civil Code sections 52, Code of Civil
8 Procedure section 1021.5, and/or other statute(s), expenses, and costs of suit;

9 4. Other relief that the court deems appropriate.

10 Dated: May 17, 2023

Law Office of Rick Morin, PC

11 

12 _____
13 Richard Morin
14 Attorney for Plaintiff
15
16
17
18
19
20
21
22
23
24
25
26
27
28